



Translation

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 4GR/364	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH2003/000727	International filing date (day/month/year) 06 November 2003 (06.11.2003)	Priority date (day/month/year) 13 November 2002 (13.11.2002)
International Patent Classification (IPC) or national classification and IPC G01N 33/36, 21/89, 21/25		
Applicant USTER TECHNOLOGIES AG		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>1</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 29 May 2004 (29.05.2004)	Date of completion of this report 30 July 2004 (30.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2003/000727

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed☒ the description:

pages _____ 1-7 _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the claims:

pages _____ 1-6 _____, as originally filed

pages _____, as amended (together with any statement under Article 19

pages _____, filed with the demand

pages _____, filed with the letter of _____

☒ the drawings:

pages _____ 1/4-4/4 _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages _____☐ the claims, Nos. _____☐ the drawings, sheets/fig _____5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH 03/00727

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4, 6	YES
	Claims	1-3, 5	NO
Inventive step (IS)	Claims	6	YES
	Claims	1-5	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: EP-A-1 018 645 (SCHLAFHORST & CO W) 12 July 2000
(2000-07-12)

D2: DE 199 55 292 A (TRUETZSCHLER GMBH & CO KG) 23 May
2001 (2001-05-23).

1.1 Document D1 discloses a device for scanning a yarn
(2), comprising:

- a light source (1) for emitting a combination of several wavelength ranges (see column 4, lines 23-30);
- a receiver (3-5; 17-19) for the light reflected by the yarn (2);
- a unit (14; 20-32) for processing the electric signals of the receiver (3-5; 17-19);
- and a computer which generates differences (23-25) from the values for different wavelength ranges, a range defined for these differences (29-31) indicating whether a foreign substance is present in the yarn. The calculation of a total luminance signal is likewise disclosed (column 3, lines 43-45).

- 1.2 Although the feature according to which the different colour signals are vectorially added is not mentioned in document D1, this cannot be considered a distinguishing feature with respect to the prior art.

The addition and subtraction of signals known from document D1 is likewise a vector addition (in which the individual vectors are situated at angles of 0° to 180° relative to each other).

A vector addition differs from a standard addition and/or subtraction only if the individual vectors are not situated on a shared straight line.

- 1.3 The combination of features contained in claim 1 is therefore known from document D1 and the subject matter of claim 1 is hence not novel within the meaning of PCT Article 33(2).
- 2.1 The dependent claims 2-5, combined with the features of claim 1, likewise fail to meet the PCT requirements for novelty because their additional features are known from document D1 or D2.
- 2.2 The additional feature of claim 6 clearly delimits the claim from the teaching of document D1. A combined claim having the features of claims 1 and 6 would therefore be novel and inventive within the meaning of PCT Article 33.